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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,483	06/05/2001	Glenn M. Renwick	3832/010581	6164
7590		06/09/2006	EXAMINER	
Kent E. Baldauf, Jr		FRENEL, VANEL		
700 Koppers Building		ART UNIT		
436 Seventh Avenue		PAPER NUMBER		
Pittsburgh, PA 15219-1818		3626		

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/874,483	Applicant(s) RENWICK ET AL.	
	Examiner Vanel Frenel	Art Unit 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is response to the Amendment filed on 01/19/06. Claims 1, 15, 26 and 32 have been amended. Claims 1-42 are pending.

2. Applicant's arguments filed on 01/19/06 regarding the 35 C.F.R 101 rejection have been persuasive, therefore the previous rejection of 101 is hereby withdrawn.

Claim Rejections - 35 USC § 103

3 The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borghesi et al (5,950169) in view of (PR Neswire, March 21, 2001), for substantially the same reasons given in the previous Office Action, and incorporated herein. Further reasons are presented hereinbelow.

(A) Claims 1 and 15 have been amended to recite the limitations of "without input from the claimant" and "without input from the claimant". The amendments to claims 1 and 15 appear to have been made to include the words: "without input from the claimant" and "without input from the claimant". However, Examiner interprets the clear and unmistakable teachings of Borghesi who states: "Referring again to FIG.8E and the

choices available to a user, an event log is automatically and/or manually updated 206. As shown in FIG.8H,user may manually update 250 the event log by selecting an event code from a table 252 and then adding 254 specific event information to an electronic note pad attached to the workfile. Several events are automatically updated 256 simply by activation by a predetermined trigger 258 that operates when certain tasks have been completed. The automatic updates may be configured by an authorized user” which correspond to Applicant’s claimed feature (See Borghesi, Col.13, lines 24-33).

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(B) Claim 26 has been amended to recite the limitations of: “without input from the claimant”, “repaired” and “without input from the claimant”. The amendments to claim 26 appear to have been made to include the words: “without input from the claimant”, “repaired” and “without input from the claimant”. However, Examiner interprets the clear and unmistakable teachings of Borghesi who states: “Referring again to FIG.8E and the choices available to a user, an event log is automatically and/or manually updated 206. As shown in FIG.8H,user may manually update 250 the event log by selecting an event code from a table 252 and then adding 254 specific event information to an electronic note pad attached to the workfile. Several events are automatically updated 256 simply by activation by a predetermined trigger 258 that operates when certain tasks have been completed. The automatic updates may be configured by an authorized user” which correspond to Applicant’s claimed feature (See Borghesi, Col.13, lines 24-33).

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As such, the recited claimed features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(C) Claim 32 has been amended to recite the limitations of: "without input from the customer" and "without input from the customer". The amendments to claim 32 appear to have been made to include the words "without input from the customer" and "without input from the customer". However, Examiner interprets the clear and unmistakable teachings of Borghesi who states: "Referring again to FIG.8E and the choices available to a user, an event log is automatically and/or manually updated 206. As shown in FIG.8H, user may manually update 250 the event log by selecting an event code from a table 252 and then adding 254 specific event information to an electronic note pad attached to the workfile. Several events are automatically updated 256 simply by activation by a predetermined trigger 258 that operates when certain tasks have been completed. The automatic updates may be configured by an authorized user" which correspond to Applicant's claimed feature (See Borghesi, Col.13, lines 24-33).

As such, the recited claimed features are rejected for the same reasons given in the prior Office Action, and incorporated herein.

(D) Claims 2-14, 16-31, and 33-42 have not been amended are therefore rejected for the same reasons given in the previous Office Action, and incorporated herein.

Response to Arguments

4. Applicant's arguments filed on 01/19/06 with respect to claims 1-42 have been fully considered but they are not persuasive.

(A) At pages 10-13 of the response filed on 01/19/06, Applicant argues the followings:

(a) Borghesi does not teach or suggest a method step of an insurance provider selecting a repair facility without input from the claimant/customer.

(b) Borghesi and PR Newswire do not explicitly disclose that the method step of returning the repaired claimant vehicle to the insurer facility without input from the claimant as further required by amended claim 1. No such method step is remotely present in either cited reference, and independent claim 1 further distinguishes over the cited references for this additional reason.

(B) With respect to Applicant first and second arguments, Examiner respectfully submitted that He has relied upon the teachings of PR Newswire for such a feature. Furthermore, Applicant fails to properly consider the clear and unmistakable teachings of the applied references, particularly PR Newswire for this teaching "Progressive.com leads the insurance industry in consumer-friendly innovations. It was the first auto insurance Web site (1995), the first to offer online quoting and comparison rates (1996), first to offer instantaneous online purchase of an auto policy (1997), first to offer after-the-sale service (1998) and the first insurance company to offer wireless access to its

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Web site for Web-enabled cell phone and personal digital assistant (PDA) users (2000).

In addition to the results of the most recent IIHS crash tests, consumers who visit progressive.com can find an agent in their neighborhood, get a Progressive quote and the rates from up to three other leading auto insurance companies, get a quote on motorcycle, boat and RV insurance and purchase an auto, motorcycle and boat policy instantaneously online. Also at progressive.com: a repair facility-locator service; shopping tools that help consumers calculate auto-related costs; a vehicle recall search link; an insurance 101 section that defines terms and "Info to Go," where consumers can find the latest information and tips on driving-related issues. Progressive.com was named the top insurance carrier Web site by Gomez(TM), a leading e-commerce authority, for Winter 2000. This is the third consecutive quarter progressive.com has won. Gomez also named personal. progressive. Com (R), the company's online customer service center, for providing "best-of-breed functionality for consumers desiring to manage their vehicle insurance policies via the Internet "which correspond to Applicant's claimed feature (See PR Newswire, Page 2, Paragraphs 6-8). As such, the Examiner respectfully submitted that such terms were given their broadest reasonable interpretations during examination, and since the applied reference clearly discloses the claimed limitations, when given their broadest reasonable interpretations, it is respectfully submitted that the Examiner's reliance on PR Newswire is indeed proper. Therefore, Applicant' argument is not persuasive and the rejection is hereby sustained.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches automated insurance system and method (2002/0002475) and system and method of administering, tracking and managing of claims processing (2002/0035488).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F
V.F


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER

March 27, 2006